

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NEW ENGLAND CENTRAL
RAILROAD, INC.,

Plaintiff,

-v.-

Civil Action No. 04-30235-MAP

SPRINGFIELD TERMINAL
RAILWAY COMPANY, et al.,

Defendants.

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION FOR LEAVE TO AMEND COMPLAINT**

The plaintiff has filed a motion for leave to amend its original complaint in this action [Docket No. 11]. Because the plaintiff has not previously amended its complaint and no answer has been filed, however, plaintiff has the right to amend without leave of the Court or the consent of the defendants. Fed. R. Civ. P. 15(a); 3 Moore's Federal Practice §§ 15.10, 15.11 (2005). The motion for leave to amend accordingly should be denied as moot and the amended complaint treated as a document that requires no action by the Court in order to permit its filing.

Respectfully submitted,



Robert B. Culliford
BBO #638468
Iron Horse Park
North Billerica MA 01862
978-663-1029

Eric L. Hirschhorn
Winston & Strawn LLP
1400 L Street, NW
Washington DC 20005
202-371-5706

*Attorneys for Defendants Springfield
Terminal Railway Company and Boston
and Maine Corporation*

February 23, 2005.